

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
DIVISION

Norman Sullivan

1:06-cv-63

HSM/WBC

(Enter above the NAME of
the plaintiff in this action.)

v.

WAFFLE HOUSE 58 HWY

PATRICK CLARK

JEREMY GOFORTH

DAVID MILLER

(Enter above the NAME of
each defendant in this action.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(42 U.S.C. Section 1983)

I. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? YES [] NO [✓]
B. If your answer to A is YES, describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to the previous lawsuit:

Plaintiffs _____

Defendants _____

2. Court (If federal court, name the district; if state court, name the county):

3. Docket Number: _____

4. Name of judge to whom case was assigned:

5. Disposition: (For example: Was the case dismissed? Was it appealed? Is it still pending?)

6. Approximate date of filing lawsuit: _____

7. Approximate date of disposition: _____

II. PLACE OF PRESENT CONFINEMENT: Hamilton County Jail

A. Is there a prisoner grievance procedure in this institution? YES [✓] NO []

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure? YES [] NO [✓]

C. If your answer is YES,

1. What steps did you take? _____

2. What was the result? _____

D. If your answer to B is NO, explain why not. Incident happened Before incarceration

E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? YES [] NO [✓]

F. If your answer is YES,

1. What steps did you take? Complained to District Manager
Filed Complaint with Human Rights Commission
2. What was the result? I Asked for EEOC letter to Suit
I FELT UNFAIR Questioning. NO CONCERN IF I WAS JUST

III. PARTIES

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for any additional plaintiffs.)

A. Name of plaintiff: NORMAN SULLIVAN

Present address: 601 WALNUT ST. CHATT. TENN. 37402

Permanent home address: N/A

Address of nearest relative: 410 Robert STREET DERISHA
DRIVER. CHATT. TENN 37404

(In item B below, place the FULL NAME of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item C for the additional names, positions, and places of employment of any additional defendants.)

B. Defendant: CLARK, PATRICK

Official position: MANAGER

Place of employment: WAFFLE HOUSE 58 HWY

C. Additional defendants: JEREMY GOFORTH. COOK MANAGER

WAFFLE HOUSE 58 HWY DAVID MILLER. DISTRICT MAN.

WAFFLE HOUSE 58 HWY

IV. STATEMENT OF CLAIM

(State here as briefly as possible the FACTS of your case. Describe how EACH defendant is involved. Include also the names of other persons involved, dates and places. DO NOT give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets, if necessary.)

Racial Work Discrimination, By Patrick Clark.

What started the day he come to work at RESTAURANT. I spoke to the
New Manager. Mr Clark he acted as IF I WASN'T EVEN THERE. ONE OF THE OTHER

STATEMENT OF CLAIM (Continued)

EMPLOYEES WERE PRESENT Michelle whom looked at me like what you do to him. It went on for 3 days. The other emp. seen this also. Then he would speak to my FJ supervisor to me while I was present. I asked, F something was wrong he says No. But when he spoke to the white emp. Was with smile's seen as I come around his whole character change. Like why you speaking to me. But it seen a peace with me and all the other emp. He to a point tried to relax. Didn't work. DIFFERENCE WAS ALREADY IN HIS MIND so when he did speak to me it was always complaints, some fabricated stories. His showing to the other emp. A dislike to me and with the customers. Now the inmates stealing. Not doing there part of the job. Patrick takes it out on me. But I'm smarter I'm not going to give you what you want I yes sir no sir. The white customers the come everyday to one section I have to work that section. They act like I'm some kind of disease. Call Patrick WHISPERS something to him. He ask me to take another section. I speak on it. That Aint Right they don't want me to serve them cause I'm black. They need to be told to LEAVE THE STORE there was no other person so for 1st shift the Black's was kept from that section. I overlooked. then I start getting less work. The busy night I worked since I been there now they go to Patrick for position. The schedule change I'm no longer on 1st shift I go to Patrick. He Apologizes I explain to him, I know you favor them but that's my position. so he starts making complaints about my clothes. I'm very well groomed & well mannered, that costed me a day of work. My Head Net to thuggish a regular stocking cap. that fit snug. Don't fit. I'm the only emp. wear that Net out of respect for the customers handling there food. I loose more days. My sweater do look right. No its to black what you mean loose it or go home. But the white girl of my shift WEAR her black sweater. No problem. its cold in there. So it continues more so after I went to the Director Mrs. David Miller. who says I just got him mistaken he not like that okay No the F. No write-ups why I go from working everyday

to now working 16 days a week. Then to 4 days a month which is when I went to get another job. Now he PATRICK. Find Tickets of mine the DAY AFTER I worked money still with it. He calls me in to tell me he believe some body trying to set me up. I tell him yes they are they don't like I'm an excellent server. Highest paid in tips and they no they do any thing say my name you gone jump to punish me. Everybody know you dislike me. Just like they know because I'm black. No other reason. and taken advantage of the situation. So tickets stop disappearing since I wasn't fired so he starts say my family can't come to the rest. No more well in my section. And they pay every time but the white emp. Feeding there family & friends & buying drugs with the store food. I tell patrick. He says nothing to them.

I've never come across town to hang out at the store when I wasn't working I get a life, but now I come one time during lunch from another side job and I can't but all day and night all the employees at that store long as I been there and setting with patrick. So since nothing he's keep's trying he tells his TRAINER Michelle in front of me in-advertitly that he don't fire people I force them to quit - no week - the whole staff laughing with him but aint no body but me losing work. I was the only problem I was there to much still as far as black emp. there were two black girls on 1st shift but the big bosses were in the store on the nice than.

So he bring in some workers from other stores A FLOOR MANAGER for the shifts. He bring JEREMY whom LATEE finds out he's a crack ADDICT. PATRICK accuses him while I'm present of trying to break in the office safe. He's still there long enough to see opportunity. Use me patrick already let him know. and JEREMY tells me. I'm who and he would pay me. He Jeremy steals \$40.00 out the register, tells patrick it was me I loose another week of work. I come to find out why I'm not on the schedule. They panic at the store JEREMY IN THE BACK SAYING I'm gone beat him up for snatching. Then when patrick gets there I go out side with him. Tell him some things Jeremy had to tell me. And that Jeremy was gone take the \$40.00 before I LEFT work. I give him the \$40.00 I had in tips tell him to give it back to me when he see his wife or when patrick come. He stills it anyway so patrick go check the register tops to see the money was gone after I left the store. I said he don't have the \$40.00 he owe me and know they can tell you any thing about me. I go to the district man. again he discriminating against me. and now everybody taken advantage of the issue and I see it about to cost me my freedom. He said he'll talk to patrick east and he does cause now he keep's making comments call David or the AREA MANAGER Mike. So July the 6th I work & explain to patrick I can't work til 6:AM I never did al get them through rush I get to go. Rush hour is when all the blacks from THE CUBS come in. long as I get them everything okay I know I was used as a token for 3rd shift but I liked my job. I leave as usual and makes sure al the cook man that night knew it. I come to work the next day patrick say I don't have a job & quit before I was suppose to and with no permission. I tell him I did HAVE permission. This way July the 7th the only complaint as to why I have no job. Al comes to work as I'm LEAVING THE STORE ask's where I was going they need me for 3rd shift. I TELL HIM WHAT PATRICK SAID HE TOLD ME to

AL. WANTED ME TO COME BACK INTO THE RESTAURANT HE WAS MAD SAID COME ON I'LL TELL HIM IN HIS FACE I HAVENT SAID NOTHING LIKE THAT NOW THERE'S AN AFFIDAVITE FROM AL TO SUPPORT PATRICK.

NOW THE DAY AFTER THE 6TH ONLY THING WRONG ME LEAVING EARLY. I CHECK THE NEXT SCHEDULE FOR THE 12TH NOW I HAVEN'T BEEN TO WORK BECAUSE MONEY WAS MISSING THE 6TH OF JULY AND A WARRANT FOR MY ARREST FOR STEALING ALMOST \$30.00, AND AN AFFIDAVITE FROM JEREMY BOFORTH AGAIN THIS TIME CLAIMING AT 3:00 O'CLOCK IN THE MORNING HE SEES ME PULL A HANGER OUT OF MY POCKET AND TRY TO GET IN THE DROP BOX. COME ON BUT I TALKED WITH JEREMY WHO CALLS ME BETWEEN JULY THE 15-25 ONE NIGHT TELL ME HE WAS OUT OF TOWN AND DONT KNOW NOTHING ABOUT AN AFFIDAVITE. I KNEW HE WAS LYING BUT THIS WAS AN ATTEMPT TO HARM & GET RID OF ME BY PATRICK BECAUSE OF A PERSONAL DISLIKE FOR ME THAT CANT' BEEN NOTHING BUT THE COLOR OF MY SKIN WE NEVER KNEW EACH OTHER BEFORE AND DURING ALL THE IGNORANCE HE put ME THROUGH BECAUSE OF AN IGNORANT MINDSET. I TRIED TO BREAK THE TIE WITH PATRICK I FIGHT RACISM WITH KINDNESS AND A NO RESPONSE TO THEIR WANTS, I EVEN SHOWED MR CLARK PICTURES OF MY FAMILY WELL I WAS SHOWING THEM TO CHRIS STEVENS AND PATRICK COMES UP. I SHOW THEM MY WALLET w/ THE PICTURE OF ME AND MY WIFE AND STEP KIDS. HE DROPS MY WALLET ON THE FLOOR MY WIFE IS WHITE. IT'S FUNNY IT'S STILL COST PEOPLE TO DEAL WITH AND IT HAS COSTED ME MY JOB, ALL MY RENTAL FURNITURE THAT I HAD TO RETURN CAUSE I COULDNT AFFORD IT. AND MY JOB THAT WAS PROBLEMLESS BEFORE HE CAME I KNOW DAVID MILLER WASN'T APART OF THIS BUT HE SHOULD OF DONE MORE TO SEE. I WORKED FOR YOU. FINE. NOW WHEN HE COME FROM THE TIME HE CAME IT'S BEEN PROBLEMS SOMETHING HAD TO APPEAR WRONG WITH THAT PICTURE.

NOW ALONG WITH UNRELATED INCIDENTS I LOSE MY FREEDOM HAVING TO TURN MYSELF IN TO DETECTIVES WHOM ALSO KNEW SOMETHING WRONG WITH THIS PICTURE CHARGE ME FOR SOMETHING 2 WEEKS LATER. SO I GO TO UN-EMPLOYMENT PATRICK TELLS UN-EMP. ABOUT THE CHARGE THEY TOLD HIM YOU HAVE NOTHING TO JUSTIFY WHAT HE WAS ACCUSING ME OF AND GRANTED ME BENEFITS FOR JULY AUG. SEPT.

AND PATRICK STILL CLAIM I WORKED THOSE 41 SEPT. LIES - ALL LIES TO EXCUSE HOW THIS SITUATION GOT TO WHERE IT IS. BECAUSE THIS STILL HOLDING ON TO, NOT LIKING SOMEBODY BECAUSE OF THE COLOR OF THEIR SKIN.

TO WHOM IT CONCERN - I DO NOT HAVE THE DAY & DATES BECAUSE I WASN'T PLANNING ON THIS SUIT. I REMEMBER THE INCIDENTS CAN NEVER FORGET THEM.

V. RELIEF

(State BRIEFLY exactly what you want the Court to do for you.
Make no legal arguments. Cite no cases or statutes.)

Monetary Compensation

SIGNED THIS 15 DAY OF JAN, 2006, 1906.

Norman Sellnow
SIGNATURE OF PLAINTIFF

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND
CORRECT.

1-15-06

DATE

Norman Sellnow

SIGNATURE OF PLAINTIFF

YOU ARE RESPONSIBLE FOR KEEPING THE COURT INFORMED IMMEDIATELY OF
ANY ADDRESS CHANGES. FAILURE TO PROVIDE YOUR CORRECT ADDRESS TO THIS
COURT WITHIN TEN (10) DAYS FOLLOWING ANY CHANGE OF ADDRESS WILL
RESULT IN THE DISMISSAL OF THIS ACTION.



STATE OF TENNESSEE
HUMAN RIGHTS COMMISSION
CENTRAL OFFICE
Cornerstone Square Building, Suite 400
530 Church Street
Nashville, Tennessee 37243-0745
Phone 615/741-5825 Fax 615/532-2197

Norman Sullivan
6 T H
Hamilton County Jail
601 Walnut St.
Chattanooga, TN 37402

Vs.

Choo Choo Waffles, LLC (Waffle House)
ATTN: Jeff Allen, V. P. Human Resources
Collis Foods
1021 Cambridge Sq.
Alpharetta, GA 30004

THRC# 402125A EEOC# 25AA500510

NOTICE OF ADMINISTRATIVE CLOSURE

The above captioned complaint has been administratively closed by the Tennessee Human Rights Commission for the reason marked:

The Complainant has withdrawn the complaint.

The Complainant has requested an EEOC Right to Sue Letter.

The Complainant has filed suit in Chancery Court or Circuit Court, or in Federal District Court.

The Complainant has failed to cooperate with the investigation.

The Complainant cannot be located.

The Tennessee Human Rights Commission does not jurisdiction in the matter.

The parties have negotiated a settlement of the complaint.
(See Settlement Agreement)

DEC 20 2005

Date

On Behalf of the Commission:

Executive Director

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Norman A. Sullivan**
6 T H
Hamilton County Jail
601 Walnut Street
Chattanooga, TN 374012

From: **Memphis District Office - 490**
1407 Union Avenue
Suite 621
Memphis, TN 38104

*On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR § 1601.7(a))*

Charge No.	EOC Representative	Telephone No.
25A-2005-00510	V. Paulette Wilson Deferral Coordinator	(901) 544-0147

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice** or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

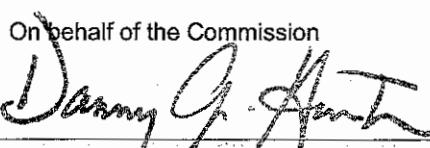
- More than 180 days have passed since the filing of this charge.
- Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of the charge.
- The EEOC is terminating its processing of this charge.
- The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

- The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice**. Otherwise, your right to sue based on the above-numbered charge will be lost.
- The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of your charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible**.

If you file suit based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Danny G. Harter
 District Director

JAN 11 2006

Enclosure(s)

(Date Mailed)

cc: **Joe E. Manuel, Attorney**
147 North Market Street, Suite C
Chattanooga, TN 37405

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

(This information relates to filing suit in Federal or State court under Federal law.

If you also plan to sue claiming violations of State law, please be aware that time limits and other provisions of State law may be shorter or more limited than those described below.)

Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),

PRIVATE SUIT RIGHTS --

or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge within 90 days of the date you receive this Notice. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed within 90 days of the date this Notice was mailed to you (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: backpay due for violations that occurred more than 2 years (3 years) before you file suit may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/00 to 12/1/00, you should file suit before 7/1/02 -- not 12/1/02 -- in order to recover unpaid wages due for July 2000. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA backpay recovery period.

ATTORNEY REPRESENTATION -- Title VII and the ADA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.